

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ENVIRONMENTAL JUSTICE HEALTH
ALLIANCE FOR CHEMICAL POLICY
REFORM; CLEAN WATER ACTION; and
NATURAL RESOURCES DEFENSE
COUNCIL, INC.,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY; and ANDREW
WHEELER, in his official capacity as
Administrator of the United States
Environmental Protection Agency,

Defendants.

19 Civ. 2516 (VM)

STIPULATION AND ORDER

STIPULATION AND ORDER REGARDING ATTORNEYS' FEES AND COSTS

WHEREAS, on March 21, 2019, Plaintiffs Environmental Justice Health Alliance for Chemical Policy Reform, Clean Water Action, and Natural Resources Defense Council, Inc. (collectively "Plaintiffs") filed the above-captioned matter against the United States Environmental Protection Agency ("EPA") and Andrew R. Wheeler, in his official capacity as Administrator of the EPA (collectively "Defendants");

WHEREAS, the Consent Decree entered by this Court on March 12, 2020, Dkt. No. 32, provided that Plaintiffs may file a motion for costs of litigation (including attorneys' fees) by June 10, 2020, a deadline that this Court further extended to July 31, 2020, Dkt. No. 34.

WHEREAS, all parties seek to resolve Plaintiffs' claims for attorney's fees and costs on the terms provided herein, in the interest of judicial economy and without any admission of law or fact.

NOW, THEREFORE, Plaintiffs and Defendants, intending to be bound by this Stipulation, hereby agree as follows:

1. As soon as practicable after the Court has endorsed and docketed this Stipulation as an Order of this Court, the United States shall pay \$53,500.00 to Plaintiffs by electronic funds transfer in accordance with instructions provided to government counsel by Plaintiffs' counsel. This payment shall constitute full satisfaction of any and all costs of litigation, including reasonable attorney fees, incurred by Plaintiffs in connection with this action as of the date of entry of this Stipulation as an Order of the Court. Such payment releases the United States, including EPA and Andrew Wheeler, from any claims regarding such fees and costs that Plaintiffs have asserted or could have asserted under any provision of law in connection with this litigation as of the date of entry of this Stipulation.

2. Any obligation of the United States to expend funds under this Stipulation is subject to the availability of appropriations in accordance with the Anti-Deficiency Act, 31 U.S.C. § 1341 ("Anti-Deficiency Act"). This Stipulation shall not be construed to require the United States to obligate or pay funds in contravention of the Anti-Deficiency Act.

3. The parties understand and agree that the amount agreed to is a compromise of a claim and there is no admission by either party regarding liability for, or the amount of, fees that could be sought or recovered in this action.

4. Plaintiffs reserve the right to seek additional costs of litigation under applicable law, including reasonable attorney fees, incurred in connection with this case subsequent to entry

of this Stipulation as an Order of the Court, as provided by Paragraph 16 of the Consent Decree. Defendants reserve the right to oppose any such request for additional costs and attorney fees.

5. The Court shall retain jurisdiction to enforce the terms of this Stipulation.

6. The undersigned representatives of the parties certify that they are fully authorized by the parties they represent to enter into and execute the terms and conditions of this Stipulation. By signature below, all parties consent to this Stipulation.

7. This Stipulation is subject to the approval of the Court. In the event that the Court declines to approve this Stipulation, it shall be null and void, with no force or effect.

COUNSEL FOR PLAINTIFFS:

Dated: July 20, 2020

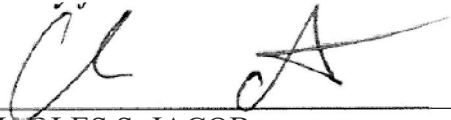
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Dated: July 20, 2020

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By:



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SO ORDERED on this _____ day of _____, 2020.

HON. VICTOR MARRERO
United States District Judge